



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

Paper No. 25

THERION BIOLOGICS CORPORATION  
76 ROGERS STREET  
CAMBRIDGE MA 02142  
ATTN.: DUANE BLAKE

IN RE: USP 6,440,422  
PATENTEE: SUTTER  
ISSUED: AUGUST 27, 2002  
FOR: RECOMBINANT MVA VIRUS AND THE USE THEREOF

The request for certification of deposit V94012707 under 37 CFR 1.808(c), filed June 19, 2003, cannot be provided based upon the prosecution history in United States Patent No. 6,440,422. No statement was made that the deposit of the named strain was made under conditions which would make it available to the public without restriction by the depositor as of the issue date of the patent grant of United States Patent No. 6,440,422. Please see 37 CFR 1.808 for conditions of deposit and MPEP § 2410.02, which explains that the certification involves an indication as to whether such a statement of availability was made to the United States Patent and Trademark Office.

Forms BP/12 attached to the request for certification filed June 19, 2003 are being returned herewith without completion of the certification section on page 3.

A handwritten signature in black ink, appearing to read "John Doll", is written over a horizontal line.

John Doll  
Director  
Technology Center 1600